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Provisional summary record of the 51st meeting
Held at Headquarters, New York, on Friday, 23 July 2004, at 3 p.m.

President: Mr. Kunjool (Vice-President) (Mauritius)
later: Ms. Rasi (President) (Finland)

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In the absence of Ms. Rasi (Finland), Mr. Kunjool (Mauritius), Vice-President, took the Chair.

The meeting was called to order at 3.30 p.m.

Non-governmental organizations (E/2004/32 and E/2004/L.38)

1. **The President** invited the Council to take up the draft decisions contained in chapter I, section A of the report of the Committee on Non-Governmental Organizations (E/2004/32).

Draft decision I: Applications for consultative status and requests for reclassification received from non-governmental organizations

2. **Ms. Pliner-Josephs** (Secretary of the Council) informed the Council that in part (a) of draft decision I, 15 organizations should be added to the list of organizations being recommended for special consultative status, and four organizations should be added to the list of organizations being recommended for roster status. In part (d), four additional organizations should be included in the list of those organizations whose quadrennial reports were taken note of by the Committee.

3. **Ms. Kusorgbor** (Ghana), said that her delegation's intervention concerning the application for consultative status by the 31st December Women's Movement, had been partially misrepresented in the report of the Committee on Non-Governmental Organizations (E/2004/32). She asked that a corrigendum should be issued, amending the second sentence of paragraph 11 to read: "At its 12th meeting, on 17 May, the Committee heard an intervention made by the Observer for Ghana stating that the organization had been actively involved in political activities and misappropriation of government funds".

4. *Draft decision I, as orally revised, was adopted.*

Draft decision II: Suspension of consultative status

5. **Mr. Reyes Rodríguez** (Cuba) said that the proposed suspension of the consultative status of the organization known as the Indian Movement "Tupaj Amaru" was based upon a complaint lodged by the United States of America following an incident that had occurred during the fifty-ninth session of the Commission on Human Rights, in which two persons accredited to the organization had unfurled a banner and chanted anti-American slogans before a Cuban camera crew. The United States had claimed that such behaviour constituted an abuse of Tupaj Amaru's status within the Council, as well as improper conduct on United Nations premises. Tupaj Amaru had subsequently withdrawn the actors' accreditation, which had been granted in good faith and without any prior knowledge of their intent. The actors had assumed full responsibility for the incident, and the organization had apologized. The incident and subsequent actions by all parties were described in detail in paragraphs 112 to 120 of the report of the Committee on Non-Governmental Organizations. Cuba had always held that non-governmental organizations must take responsibility for the actions of their members. Yet while Cuba agreed that Tupaj Amaru, as the accrediting organization, should have been questioned for its failure to follow procedures, it did not consider suspension the correct course of action and would therefore vote against the draft decision.

6. **Ms. Tamlyn** (United States of America), speaking in explanation of vote before the voting, said that the Committee on Non-Governmental Organizations had devoted considerable time to studying the question. It had invited Tupaj Amaru to send a representative to appear before it, but the organization had failed to comply. One year was the minimum suspension, which her delegation believed justified. It would therefore vote in favour of the draft decision.

7. *At the request of the representative of Cuba, a recorded vote was taken on draft decision II.*

In favour:

Australia, Belgium, Belize, Benin, Canada, Chile, Colombia, Ecuador, El Salvador, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Jamaica, Japan, Nicaragua, Panama, Poland, Republic of Korea, Sweden, Turkey, Ukraine, United Kingdom, United States of America.

Against:

China, Cuba, Russian Federation, Zimbabwe.

Abstaining:

Armenia, Azerbaijan, Bangladesh, Bhutan, Burundi, Congo, Ghana, India, Indonesia, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nigeria, Qatar, Saudi Arabia, Senegal, Tunisia, United Arab Emirates, United Republic of Tanzania.

8. *Draft decision II was adopted by 28 votes to 4, with 22 abstentions.*

Draft decision III: Suspension of consultative status

9. **Mr. van den Berg** (Observer for the Netherlands), speaking on behalf of the European Union, the candidate countries (Bulgaria, Croatia, Romania and Turkey), the stabilization and association process countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro and the The former Yugoslav Republic of Macedonia) and Liechtenstein, said that the European Union strongly opposed the draft decision to suspend the consultative status of the Transnational Radical Party (TRP). The proposed suspension was based upon a complaint lodged by Viet Nam, described in paragraph 98 of the report of the Committee on Non-Governmental Organizations (E/2004/32), that the organization had provided accreditation to the Montagnard Foundation, Inc. (MFI), thereby allowing Mr. Kok Ksor, a member of TRP and president of the Foundation, to speak at the fifty-eighth session of the Commission on Human Rights. However, there was no reliable evidence to substantiate Viet Nam's claim that Mr. Kok Ksor was a terrorist. Neither Mr. Ksor nor MFI appeared in any United Nations or European Union list of terrorist individuals and associations. TRP had on no occasion attempted to undermine the sovereignty or territorial integrity of Viet Nam, and had always respected the purposes and principles of the Charter of the United Nations.

10. TRP had always complied fully with the provisions of Council resolution 1996/31, and none of the criteria for suspension set forth in part VIII of that resolution applied to it. It had also respected the accreditation procedures of the Commission on Human Rights. TRP had not been given an opportunity to respond to the recommendation for withdrawal of its consultative status. If the Council decided to suspend the consultative status of TRP, it would be acting in clear disregard and violation of its own procedures.

11. **Mr. Kanu** (Observer for Sierra Leone), associating himself with the statement made by the European Union, said that TRP was a human rights organization, which campaigned worldwide for justice, human rights and international humanitarian law; it also worked in New York to help smaller missions with judicial assistance. It was not a terrorist organization; Sierra Leone condemned terrorism and would not support TRP if it engaged in terrorist activities. Nor would MFI have been accredited in the United States of America if the accusations of terrorism had been true. TRP provided a platform for Mr. Ksor to advance the views of repressed peoples of Viet Nam. It must be allowed to present its case to the Committee on Non-Governmental Organizations.

12. **The President**, replying to questions from the Observer for Viet Nam, confirmed that the two letters addressed to the President of the Council had been issued as official documents E/2004/91 and E/2004/95, respectively, on the day following receipt of each, allowing ample time for their consideration. He then explained that under rule 72 of the Council's rules of procedure, speakers took the floor in the order of recognition, and other delegations had therefore been invited to address the Council before the Observer for Viet Nam.

13. **Mr. Le Luong Minh** (Observer for Viet Nam) said that in adopting the draft decision to suspend for three years the consultative status of TRP, the Committee on Non-Governmental Organizations had had to overcome attempts to turn TRP into a transgovernmental organization. TRP had abused its consultative status by admitting to its ranks a terrorist, Kok Ksor, and his subversive and separatist organization — MFI. As explained in the aide-memoire circulated at his delegation's request (E/2004/92), MFI was a separatist organization engaged in terrorist activities which sought to establish a so-called "independent state of Degar" in the Central Highlands of Viet Nam. Kok Ksor had established the so-called "independent state of Degar" among Vietnamese exiles in the United States of America and declared himself its president; and he and MFI had invented a national map, flag and emblem. They were also responsible for staging violent riots in the Central Highlands of Viet Nam in 2001 and 2004. It had been after the riots in 2001 that TRP, which claimed to be a non-violent organization, had permitted Kok Ksor to address the United Nations in its name. Such permission had subsequently been granted on many occasions, in clear violation of Council resolution 1996/31, despite protests by Viet Nam. There was more at stake than the security, sovereignty and territorial integrity of Viet Nam. In the interests of international cooperation against terrorism, as well as the prestige of the United Nations, the Council and the Committee, all delegations should endorse the draft decision.

14. **Mr. Reyes Rodríguez** (Cuba) said that the Vietnamese people, millions of whom had been killed during their struggle for independence and against imperialist aggression, were a model of resistance and achievement. After suffering years of war, devastation and suffering, they had managed to rebuild their country. Tribute should be paid to the people and Government of Viet Nam for the way in which they had faced the challenges to development and to their very existence.

15. His delegation did not wish to assess whether TRP was a terrorist organization or to pass judgement on it. TRP was not a non-governmental organization but rather an international group of political parties. The Committee on Non-Governmental Organizations had shown flexibility in its application of Council resolution 1296 (XLIV) when it had granted TRP consultative status. TRP had, however, given accreditation to persons with a history of violating human rights and of armed attacks against the sovereignty of a Member State. The case was thereby akin to the suspension of Tupaj Amaru. Like Tupaj Amaru, TRP must strictly abide by Council resolution 1996/31, which stated that the aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of the Charter.

16. The Committee on Non-Governmental Organizations had considered the case of TRP at length and decided in favour of suspension. Impunity should not be granted to an organization that had accredited persons who had conducted politically motivated actions against the territorial integrity of a Member State. Consultative status was not an inalienable right but rather a privilege that should be extended only to organizations that abided by the principles and purposes of the Charter. The consultative status of TRP should be suspended not because of the nature of the organization but rather the nature of the violations that it had committed against the work of the Commission on Human Rights.

17. **Mr. Spatafora** (Italy) said that the Committee on Non-Governmental Organizations had not given TRP an opportunity for a real adversarial procedure. No decision should be taken without due process. The Committee had never thoroughly examined the three special reports prepared by TRP since the complaint had been made against it, and had shown no real interest in addressing the TRP representatives directly. The consideration of the two quadrennial reports of TRP had been constantly deferred, thus hindering the Committee from considering the activities of TRP. Furthermore, following the decision to recommend suspension of TRP, the Committee had failed to meet to give appropriate consideration to the matter, as required by Council resolution 1996/31.

18. No organization should have its consultative status suspended merely because it drew attention to alleged human rights violations. None of the criteria under which consultative status might be suspended under Council resolution 1996/31 had been met. Accusations that TRP had engaged in terrorism or separatism or had ever posed any threat to territorial integrity were utterly unfounded. The history of the participation of TRP in the United Nations system showed that it had always respected the purposes and principles of the Charter.

19. It now seemed that the delegation of Viet Nam concurred with that view. In the letter circulated in document E/2004/95, the representative of Viet Nam admitted clearly that the problem was not with TRP but rather with the participation by Kok Ksor and MFI in United Nations meetings and conferences. If TRP had committed no offence, a decision in favour of suspending its consultative status would make no sense. Moreover, the accusation that either Kok Ksor or MFI had been involved in terrorist activities was entirely unsubstantiated. Neither had ever been included in any internationally accepted list of terrorist operatives or organizations. On the contrary, because of its advocacy for the rights of the Montagnard people of Viet Nam, MFI had been recognized by the Working Group on Indigenous Populations since 1993. Mr. Ksor and MFI worked in support of human rights, religious freedom and freedom of expression of the Montagnard people through non-violent struggle.

20. While the actions of civil society organizations might seem offensive to some Governments, the Organization should never restrict or suspend access of those organizations to its meetings and conferences on the basis of arbitrary, politically motivated judgements and groundless accusations. To vote in favour of the draft decision would be to undermine the Council's credibility and compromise the principles enshrined in the Charter and the Universal Declaration of Human Rights.

21. **Mr. Atiyanto** (Indonesia) said that an accredited non-governmental organization should not abuse its

position by engaging in activities aimed at undermining the territorial integrity of a Member State. Moreover, the rules of procedure of the Committee on Non-Governmental Organizations specified that the consultative status of a non-governmental organization could be suspended if such an organization, acting directly or through affiliates or representatives acting on its behalf, had clearly abused its status by engaging persistently in acts that were contrary to the purposes and principles of the Charter, including politically motivated acts against Member States incompatible with those purposes and principles. For that reason, his delegation would vote in favour of the suspension of the consultative status of TRP, as a matter of principle.

22. **Mr. Aho-Glele** (Benin), speaking on a point of order, said that the Council should not allow its attention to be diverted from its work to promote economic and social development. The work of non-governmental organizations on the ground was contributing much to that development, and the status of such organizations should be based on the commonly adopted principles of the Organization and not be politicized. If there was confusion or controversy over the status of an organization, or concerns that the matter should be considered more carefully, then it should be sent back to the Committee on Non-Governmental Organizations so that the Council could resume its work. He therefore formally requested that the matter of the consultative status of the organization in question should be sent back to the Committee and a decision on it postponed.

23. **Mr. Spatafora** (Italy) expressed support for that proposal.

24. **Mr. Reyes Rodríguez** (Cuba), speaking on a point of order, said that giving a matter more time for consideration did not necessarily produce better results. Moreover, there was sufficient information in the current case. Unfortunately, there had been value judgements about the information submitted by the delegation of Viet Nam that had at times been disrespectful, and the reasoning put forward to refute that information had been faulty. The proposal by the representative of Benin deserved consideration. He therefore requested a three-minute suspension of the meeting so that delegations could get a clearer picture of one another's views on the matter.

25. **Mr. Xie** Bohua (China), speaking on a point of order, said that his delegation supported the proposal by the representative of Cuba.

26. The meeting was suspended at 4.45 p.m. and resumed at 4.55 p.m.

27. **Mr. Aho-Glele** (Benin) said that, since a number of delegations had expressed the desire to conclude the debate at the current meeting rather than refer the question back to the Committee on Non-Governmental Organizations, he wished to withdraw his proposal.

28. **Mr. Reyes Rodríguez** (Cuba), speaking in explanation of vote before the voting, said that he would be voting in favour of draft decision III because he believed that the relevant decision of the Committee on Non-Governmental Organizations should be respected. Furthermore, the Council must avoid applying double standards: since the consultative status of the Indian Movement "Tupaj Amaru" had been suspended for one year for reasons similar to those cited in the current case, TRP should be subject to the same treatment. Firm action must be taken against individuals or organizations whose actions undermined the territorial integrity of Member States.

29. **Mr. Zheglov** (Russian Federation), speaking in explanation of vote before the voting, recalled that, in recent years, considerable criticism had been levelled at TRP. The claims made by the representative of Viet Nam should be taken seriously, as they related to activities that allegedly ran counter to the Charter of the United Nations. His delegation would therefore vote in favour of the draft decision.

30. **Ms. Tamlyn** (United States of America) agreed that the allegations made by the representative of Viet Nam should be taken seriously, but pointed out that neither the United Nations nor the European Union had listed Kok Ksor as a suspected terrorist. In essence, the allegations were an attack against a non-governmental organization with an outstanding record that had had the courage to speak out against human rights abuses. The proposed three-year suspension was inconsistent with the established practices of the Committee on Non-Governmental Organizations and seemed particularly punitive. For those reasons, the United States would vote against the draft decision.

31. **Mr. Xie** Bohua (China) said that he would be voting in favour of the draft decision. The Council should uphold the draft decision to suspend the

consultative status of TRP, which had been adopted by the Committee on Non-Governmental Organizations following extensive discussions and on the basis of, inter alia, convincing evidence submitted by the Government of Viet Nam. TRP had abused its consultative status by allowing a member of a Vietnamese terrorist organization to attend and speak at the fifty-eighth session of the Commission on Human Rights.

32. *A recorded vote was taken on draft decision III.*

In favour:

Bangladesh, Benin, Bhutan, China, Congo, Cuba, India, Indonesia, Jamaica, Libyan Arab Jamahiriya, Malaysia, Namibia, Nigeria, Qatar, Russian Federation, Saudi Arabia, Tunisia, United Arab Emirates, United Republic of Tanzania, Zimbabwe.

Against:

Armenia, Australia, Belgium, Canada, Chile, Colombia, Ecuador, Finland, France, Germany, Greece, Guatemala, Hungary, Ireland, Italy, Nicaragua, Poland, Sweden, Turkey, Ukraine, United Kingdom, United States of America.

Abstaining:

Azerbaijan, Belize, Burundi, Ghana, Japan, Kenya, Mauritius, Mozambique, Panama, Republic of Korea, Senegal.

33. *Draft decision III was rejected by 22 votes to 20, with 11 abstentions.*

34. **Mr. Le Luong Minh** (Observer for Viet Nam) expressed regret that, unlike the Committee on Non-Governmental Organizations, the Council had been unable to resist attempts to convert TRP, a non-governmental organization, into a transgovernmental organization. By rejecting the draft decision, Member States had overturned a decision taken by a subsidiary organ of the Council, thereby depriving that organ of its relevance. Nevertheless, in spite of that disappointing result, Viet Nam, together with other States that believed in the principles of the Charter of the United Nations and the lofty purposes of the Council would continue to strive for justice. Terrorists and separatists had no place among the representatives of sovereign nations.

35. **Mr. Spatafora** (Italy) said that the rejection of the draft decision represented a victory for the United Nations.

36. **Mr. Aho-Glele** (Benin) said that he was disappointed with the results of the vote, which undermined the authority of the Committee on Non-Governmental Organizations and called into question its relevance. He urged the Council to take steps to ensure that similar situations did not occur in the future.

Draft decision IV: Report of the Committee on Non-Governmental Organizations on its 2004 regular session

37. **Mr. Reyes Rodríguez** (Cuba) said that his delegation was willing to take note of the report, but wished to express its reservations about the decision to reinstate the consultative status of the organization Reporters without Borders, particularly since, during the suspension period, the organization had accused the United Nations of hypocrisy and had launched a pirate radio station in order to protest against its exclusion from the World Summit on the Information Society.

38. *Draft decision IV was adopted.*

Draft decision V: Dates of the 2005 session of the Committee on Non-Governmental Organizations and provisional agenda

39. **The President** drew attention to the statement of programme budget implications contained in document E/2004/L.38.

40. **Ms. Tamlyn** (United States of America) proposed that draft decision V should be deferred until the resumed session. According to the statement of programme budget implications, an additional US$ 135,000 would be required in order to cover the conference servicing requirements for one week of additional meetings. Her delegation wished to undertake further consultations with the Secretariat to explore ways of rationalizing the work of the Committee, thereby obviating the need for the extra expenditure.

41. **Mr. Reyes Rodríguez** (Cuba) said that he would be grateful for the Secretariat's opinion on the proposal made by the representative of the United States of America. In particular, he wished to know whether deferring action on the draft decision would adversely affect preparations for the Committee's 2005 session.

42. **Ms. Pliner-Joseph** (Secretary of the Council) said that the Committee on Non-Governmental

Organizations was entitled to meet for three weeks but routinely required a fourth week to complete its work. Deferring action on draft decision V until the resumed session would not adversely affect the preparations for the 2005 session.

43. **Mr. Reyes Rodríguez** (Cuba) said that, while he was not willing to compromise on the need to provide the Committee on Non-Governmental Organizations with sufficient resources to complete its work, he was prepared to support the proposal to defer consideration of draft decision V until the resumed session, providing that action was taken promptly.

44. **The President** said that he took it that the Council wished to defer consideration of draft decision V until the resumed session.

45. *It was so decided.*

Social and human rights questions (*continued*)

(a) Advancement of women (*continued*) (E/2004/27)

Draft resolution II: Situation of and assistance to Palestinian women

46. **The President** drew the Council's attention to the report of the Commission on the Status of Women (E/2004/27) and invited it to take action on draft resolution II.

47. **Mr. Fox** (United States of America), speaking in explanation of vote before the voting, said that the United States remained deeply concerned about the impact of the current crisis on Palestinian women, as evidenced by the fact that it was currently the largest national donor to the United Nations Relief and Works Agency for Palestine Refugees in the Near East and participated in other multilateral and bilateral assistance programmes. However, the United States also grieved for the innocent Israelis, including women, who had lost their lives following attacks by Palestinian terrorists. His Government was making every effort to cooperate with the Quartet and the States concerned in order to move towards President Bush's vision of two States, Israel and Palestine, living side by side in peace and security, but the final settlement of issues relating to territory and refugees should be left up to the parties to the conflict. Unfortunately, draft resolution II was one-sided and served only to undermine the ability of the United Nations to play a constructive role in the peace process. Consequently, his delegation would be voting against its adoption.

48. **Mr. Choi** (Australia) said that Australia remained concerned about the humanitarian situation of those living in the Occupied Palestinian Territory, particularly women. However, draft resolution II politicized those concerns in an unhelpful and unbalanced fashion, and he would therefore be abstaining from the vote. He also expressed concerns about the potential encumbering of the United Nations agenda with similar items.

49. *A recorded vote was taken on draft resolution II.*

In favour:

Armenia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Chile, China, Colombia, Congo, Cuba, Ecuador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

Australia, Canada, Nicaragua.

50. *Draft resolution II was adopted by 49 votes to 1, with 3 abstentions.*

51. **Mr. Sermoneta** (Observer for Israel) expressed regret at the adoption of the draft resolution. While Palestinian women undoubtedly deserved protection, he wondered how Israeli women, who were suffering at the hands of the Palestinians, could be regarded as any less deserving. He reiterated the comments made by his delegation to the Commission on the Status of Women: the draft resolution not only undermined the Organization's professed impartiality but also represented a politically motivated attempt to hijack the agenda of the Commission. In that connection, he urged all delegations to refrain from such shameless attempts to politicize the work of the subsidiary bodies and undermine their credibility.

Draft resolution E/2004/L.51: Participation of non-governmental organizations in the forty-ninth session of the Commission on the Status of Women

52. *Draft resolution E/2004/L.51 was adopted.*

53. **Ms. Bakker** (Netherlands), speaking on behalf of the European Union, emphasized the valuable contribution of civil society and non-governmental organizations to the outcomes of major United Nations conferences and summits and looked forward to their participation in the forty-ninth session of the Commission on the Status of Women and the forty-third session of the Commission for Social Development. In that connection, the European Union would have liked the draft resolution to address the possibility of accrediting additional non-governmental organizations to the forty-ninth session of the Commission on the Status of Women.

Draft decision on preparations for the forty-ninth session of the Commission on the Status of Women

54. **The President** invited the Council to adopt a draft decision on preparations for the forty-ninth session of the Commission on the Status of Women, the text of which had been agreed during informal consultations:

> "The Economic and Social Council,
>
> *Taking note* of resolution 48/5 of the Commission on the Status of Women on preparations for the forty-ninth session of the Commission,
>
> *Decides* that the forty-ninth session of the Commission on the Status of Women should convene a high-level plenary meeting open to the participation of all United Nations Member States and Observers on the implementation of the Beijing Declaration and Platform of Action and the outcome of the twenty-third special session of the General Assembly, and requests the Chairperson of the forty-ninth session of the Commission to transmit its outcome, through the Economic and Social Council, to the sixtieth session of the General Assembly, including to the high-level event of the General Assembly on the review of the Millennium Declaration."

55. *The draft decision was adopted.*

56. **Mr. Fox** (United States of America) said that his delegation assumed that the Council, in adopting the text in question, would remain consistent with the approach taken in the draft resolution on promoting coordination and consolidation of the work of the functional commissions (E/2004/L.48) whereby the General Assembly, at its fifty-ninth session, would determine the modalities for contribution by the functional commissions and other relevant subsidiary bodies to the high-level plenary meeting of the Assembly in 2005. Those modalities should also apply to the Council and its subsidiary bodies.

57. **Mr. Choi** (Australia), speaking also on behalf of Canada, said that the modalities for the 2005 high-level plenary meeting to be determined by the General Assembly at its fifty-ninth session should also apply to the Council when it received any contribution to that event from the Commission on the Status of Women.

58. **The President** said that he took it that the Council wished to take note of the report of the Secretary-General on the review and appraisal of the system-wide implementation of the Council's Agreed Conclusions 1997/2 on mainstreaming a gender perspective into all policies and programmes in the United Nations system (E/2004/59) and the note by the Secretary-General transmitting the report of the Director of the United Nations International Research and Training Institute for the Advancement of Women (INSTRAW) on the revitalization and strengthening of the Institute (E/2004/66).

59. *It was so decided.*

(b) Social development (*continued*)

Draft resolution E/2004/L.27: Preparations for the forty-third session of the Commission for Social Development

60. **Mr. Ndimeni** (Observer for South Africa) recalled that draft resolution E/2004/L.27 had been orally amended during the Council's informal consultations earlier in the day.

61. *Draft resolution E/2004/L.27, as orally amended, was adopted.*

62. **Mr. Fox** (United States of America) and **Mr. Maillé** (Canada), speaking also on behalf of Australia, said that they wished to reiterate their delegations' earlier remarks regarding the modalities for the high-level plenary meeting of the General

Assembly in 2005 and their applicability to the Council.

63. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, said that the Group of 77 and China continued to believe that all countries, especially the developing countries, saw social development as essential and attached great importance to the framework provided by the World Summit for Social Development and the five-year review of that Summit (Copenhagen and Copenhagen +5). Further follow-up should be conducted at the highest level, in the General Assembly. The Group of 77 and China encouraged non-governmental organizations to become involved in the follow-up process, in compliance with the relevant rules of procedure of the General Assembly, and was surprised at the position taken by some delegations. The Group of 77 and China had shown great flexibility in accepting paragraph 3 of draft resolution E/2004/L.27 and wished to reiterate both its commitment to the decisions of the Copenhagen and Copenhagen +5 conferences and its conviction that the General Assembly should take part in the review of those conferences.

(e) United Nations High Commissioner for Refugees (*continued*)

64. **The President** said that he took it that the Council wished to take note of the oral report of the United Nations High Commissioner for Refugees on coordination aspects of the work of the Office and on assistance to refugees, returnees and displaced persons in Africa.

65. *It was so decided.*

(g) Human rights (*continued*)

66. **The President** said that he took it that the Council wished to take note of the following reports: the report of the Committee on Economic, Social and Cultural Rights on its thirtieth and thirty-first sessions (E/2004/22); the report of the Commission on Human Rights on its sixtieth session (E/2004/23, Part I); the note by the Secretary-General transmitting General Comments No. 29, 30 and 31 of the Human Rights Committee (E/2004/87); the report of the United Nations High Commissioner for Human Rights (E/2004/89); and the note by the Secretary-General transmitting the report of the Joint Inspection Unit on the management review of the Office of the United Nations High Commissioner for Human Rights (A/59/65-E/2004/48 and Add.1).

67. *It was so decided.*

68. **Mr. Cumberbatch** (Cuba), referring to the report of the Commission on Human Rights on its sixtieth session (E/2004/23), expressed his total rejection of the text contained in resolution 2004/11 of the Commission on Human Rights, which had been adopted by a majority of one vote following unrelenting pressure from the Government of the United States of America. In that connection, he wished to reiterate his delegation's position of principle in respect of such behaviour, which was designed to justify the aggressive embargo imposed against the Cuban population by the United States authorities. His delegation would not subscribe to a process that had been flawed from its inception.

69. **Mr. Fox** (United States of America), also referring to the report of the Commission on Human Rights on its sixtieth session (E/2004/23), said that his delegation would take note of the report but wished to recall that, in the Commission it had dissociated itself from resolution 2004/43 (Human rights and the administration of justice).

(h) Permanent Forum on Indigenous Issues (*continued*)

70. **The President** said that he took it that the Council wished to take note of the report of the Secretary-General on information concerning indigenous issues requested by the Economic and Social Council in its decision 2003/307 (E/2004/85); and the report of the Secretary-General on the preliminary review by the Coordinator of the International Decade of the World's Indigenous People on the activities of the United Nations system in relation to the Decade (E/2004/82).

71. *It was so decided.*

(i) Genetic privacy and non-discrimination (*continued*)

72. **The President** said that he took it that the Council wished to take note of the report of the Secretary-General providing further information and comments received from Governments and relevant international organizations and functional commissions

pursuant to Economic and Social Council resolution 2001/39 (E/2004/56).

73. *It was so decided.*

Implementation of and follow-up to major United Nations conferences and summits (*continued*)

(a) Follow-up to the International Conference on Financing for Development (*continued*) (E/2004/L.47)

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (*continued*) (E/2004/L.39)

74. **The President** said that he took it that the Council wished to defer consideration of the draft resolutions submitted under sub-items (a) and (b) until the resumed substantive session to be held before the fifty-ninth session of the General Assembly.

75. *It was so decided.*

Coordination, programme and other questions (*continued*)

(a) Reports of coordination bodies (*continued*)

Draft decision E/2004/L.52: Annual overview report of the United Nations Chief Executives Board for 2003

76. **The President** drew the Council's attention to the last sentence of paragraph (b) of the draft decision, from which the word "included" should be deleted.

77. *Draft decision E/2004/L.52, as orally revised, was adopted.*

78. **Ms. Maillé** (Canada) said that the coordination work of the Chief Executives Board was valuable in an Organization that was becoming larger and more complex.

(f) Ad hoc advisory groups on African countries emerging from conflict (*continued*)

Draft resolutions E/2004/L.29/Rev.1 and E/2004/L.53: Assessment of the ad hoc advisory groups of the Economic and Social Council on African countries emerging from conflict

79. **Ms. Pliner-Josephs** (Secretary of the Council), referring to draft resolution E/2004/L.53, submitted by the Vice-President of the Council on the basis of informal consultations, said that the programme budget implications had been circulated to the Council; adoption of the draft resolution would result in a need for additional resources of $90,300 under section 9 (Economic and Social Affairs) of the programme budget for the biennium 2004-2005, representing a charge against the contingency fund, and, as such, would require an increase in appropriations for that biennium.

80. **Mr. Raubenheimer** (Observer for South Africa) said that a number of amendments to the text of draft resolution E/2004/L.53 had been agreed during informal consultations. In paragraph 1, the final word should be "conflict" rather than "conflicts". In paragraph 3 (e), the phrase "establishing a mutually agreed understanding of the problem and setting out concrete steps towards a solution" should be replaced by "establishing a shared understanding of the development challenges and providing recommendations towards concrete solutions, including a long-term development strategy,". In paragraph 5, the phrase "including in advocacy work vis-à-vis the donor community" should be deleted and in the following phrase, the words "for support to" should be changed to "in support of". The existing paragraphs 7, 8 and 9 should be renumbered 8, 9 and 10, and a new paragraph 7 should be inserted: "*Stresses* the need to conclude the mandate of the ad hoc advisory groups, taking into account all aspects of the situation in each case, and decides to assess progress made towards that end on a semi-annual basis.".

81. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, reaffirmed their strong support for the important work of the ad hoc advisory groups; those groups enabled the Council to contribute to reconstruction and development in African countries emerging from conflict and gave it more influence with donor countries and the Bretton Woods institutions. It was unfortunate that the Council had been unable to

reach consensus on draft resolution E/2004/L.29/Rev.1, and odd that some Member States, while recognizing the value of the ad hoc advisory groups, found it difficult to provide them with the bare minimum of resources. The ad hoc advisory groups had been established as subsidiary bodies of the Council for the specific purpose of providing advice.

82. **Ms. Tamlyn** (United States of America), speaking in explanation of vote before the voting, said that her delegation had been unable to join the consensus regarding draft resolution E/2004/L.53. While it valued the work of the ad hoc advisory groups, which focused international attention on African countries emerging from conflict, it could not endorse expenditure additional to the resources provided in the budget without attempting to identify where such additional resources could be found or what activities could be curtailed to release such resources. Such action undermined the budget discipline which was essential to the effective operation of the Organization. Her delegation also noted that the ad hoc advisory groups had been established to make recommendations for improving coordination of the international community's efforts to help the transition from relief to development. Once that function had been completed they should be disbanded, rather than becoming standing advisory bodies for coordinating development or aid over the longer term, since that role could be played by existing bilateral and multilateral mechanisms intended for that purpose.

83. *A recorded vote was taken on draft resolution E/2004/L.53.*

In favour:

Armenia, Australia, Azerbaijan, Bangladesh, Belgium, Belize, Benin, Bhutan, Burundi, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Finland, France, Germany, Ghana, Greece, Guatemala, Hungary, India, Indonesia, Ireland, Italy, Jamaica, Japan, Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mozambique, Namibia, Nicaragua, Nigeria, Panama, Poland, Qatar, Republic of Korea, Russian Federation, Saudi Arabia, Senegal, Sweden, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom, United Republic of Tanzania, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

84. *Draft resolution E/2004/L.53 was adopted by 53 votes to 1.*

85. *Draft resolution E/2004/L.29/Rev.1 was withdrawn.*

86. **Ms. Yamauchi** (Japan) said that her Government placed great emphasis on United Nations activities aimed at achieving peace and stability in Africa and had therefore supported the process begun at the Tokyo International Conference on International Development and was providing 20 per cent of the cost of peacekeeping activities in Africa. In that connection, it attached importance to the activities of the Ad Hoc Advisory Groups on Guinea-Bissau and Burundi. At the same time, her Government was very concerned about the potentially limitless growth of the United Nations budget and took the view that the need for programmes calling for additional expenditure and the appropriateness of that expenditure should be carefully considered. Although her delegation was in full agreement with the content of the draft resolution, it felt that there had been insufficient discussion of the programme budget implications of one particular paragraph. It therefore believed that any additional costs engendered by the draft resolution should be met from existing budgetary resources.

Draft resolution E/2004/L.31: Ad hoc advisory group on Burundi

87. *Draft resolution E/2004/L.31 was adopted.*

Draft resolutions E/2004/L.30 and E/2004/L.43: Ad hoc advisory group on Guinea-Bissau

88. *Draft resolution E/2004/L.43 was adopted.*

89. *Draft resolution E/2004/L.30 was withdrawn.*

(h) Tobacco or health

Draft resolutions E/2004/L.20/Rev.1 and E/2004/L.49: tobacco control

90. **Mr. Cumberbatch Miguén** (Cuba) said that the Spanish-language title of draft resolution E/2004/L.49 was "*Lucha contra el tabaco*", which did not match the English-language title. He requested that that phrase be

replaced with the phrase "*control del tabaco*" in the title and text of the Spanish-language version of the draft resolution.

91. *Draft resolution E/2004/L.49 was adopted.*

92. *Draft resolution E/2004/L.20/Rev.1 was withdrawn.*

Economic and environmental questions (*continued*)

Draft resolutions E/2004/L.26 and E/2004/L.48: Promoting coordination and consolidation of the work of the functional commissions

93. **The President** informed the Council that draft resolution E/2004/L.48 had been submitted following informal consultations on draft resolution E/2004/L.26, submitted by Qatar on behalf of the Group of 77 and China.

94. *Draft resolution E/2004/L.48 was adopted.*

95. *Draft resolution E/2004/L.26 was withdrawn.*

Charter of Economic Rights and Duties of States (A/59/99-E/2004/83)

96. **The President** said that he took it that the Council wished to defer consideration of the report of the Secretary-General on implementation of the Charter of Economic Rights and Duties of States until a resumed session.

97. *It was so decided.*

(b) Science and technology for development (*continued*) (E/2004/31)

Action on draft decisions contained in the report of the seventh session of the Commission on Science and Technology for Development (E/2004/31)

Draft decision I: Contribution of the Commission on Science and Technology for Development to the high-level segment of the Economic and Social Council (E/2004/31, Chapter I, Section B)

98. *Draft decision I was adopted.*

Draft decision II: Report of the Commission on Science and Technology for Development on its seventh session and provisional agenda and documentation for the eighth session of the Commission (E/2004/31, Chapter I, Section B)

99. *Draft decision II was adopted.*

100. **The President** invited the Council to consider a draft decision submitted following informal consultations:

> "The Economic and Social Council,
>
> 1. Takes note of the Report of the Commission on Science and Technology for Development on its seventh session (24-28 May 2004);
>
> 2. Decides to postpone the consideration of the draft resolution contained in the report to its resumed session."

101. He took it that the Council wished to adopt the draft decision.

102. *It was so decided.*

103. **Mr. van der Velden** (Netherlands), speaking on behalf of the European Union, said that the European Union considered that, by taking note of the report, it was indicating neither approval nor disapproval of its content.

104. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, said that his group had not objected to the deferral of discussion on the matter in question until the resumed session, but hoped that the proposal to do so had not been motivated by the negative attitude of some partners which the Council had seen during the previous year. Despite the fact that reservations had been expressed at a late stage in the discussions, the Group of 77 and China had tried to accommodate them. Two sessions of informal consultations had taken place, but the Group had received no views or suggestions which might resolve the disagreement. It hoped to hear such views or suggestions before the resumed session, especially in view of the fact that Western European countries were represented in, and even chaired, the Commission on Science and Technology for Development.

(h) International cooperation in tax matters

Draft resolution E/2004/L.40: International cooperation in tax matters

105. **The President** said that if he heard no objection, he would take it that the Council wished to defer consideration of the matter in question until a resumed session.

106. *It was so decided.*

107. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, said that although it had agreed to a deferral of discussion on international cooperation in tax matters, the Group continued to advocate transformation of the ad hoc working group into an intergovernmental working group. It also continued to believe that existing arrangements for discussing tax matters were unsatisfactory and failed to take account of developing countries' concerns or represent their interests. The Group had agreed to the deferral out of a desire to achieve consensus, but wished to preserve its interests. The matter must be taken up at the resumed session with a view to finding a solution.

108. **Mr. Nuñez** (Belize), speaking on behalf of the Caribbean Community (CARICOM) said that the momentum generated by the current negotiations was sufficient to justify continued efforts to adopt a consensus resolution on international tax cooperation matters. CARICOM and the Group of 77 and China had therefore agreed to the decision to defer action on the draft resolution on international tax cooperation until the resumed session when, given the vital importance of the issue, they would be prepared to call for a vote. Developing countries would insist on a process that would lead to the establishment of an intergovernmental forum responsible for making recommendations in the area of international tax cooperation.

109. **Mr. Hart** (Observer for Barbados) said that Barbados remained convinced that all countries should be involved in the process of setting standards and making rules in the area of international tax cooperation. The Council's decision to defer consideration of the matter would give all interested parties a chance to participate as equals in the design of a legitimate and universally accessible intergovernmental forum for dialogue on international tax cooperation. The continuation of a situation where exclusionary organizations with restricted membership, such as the Organization for Economic Cooperation and Development, dictated norms and standards frustrated the attainment of the principles of justice, equity, democracy, participation, transparency, accountability and inclusion which must guide the Council's actions.

110. **Mr. Ainchil** (Argentina) said that the action described in draft resolution E/2004/L.40 must be taken, and that the agreement to defer discussion of international cooperation in tax matters must be taken not as a lack of interest but as a desire to promote consensus.

111. *Ms. Rasi (Finland), President, took the Chair.*

Adoption of the agenda and other organizational matters

Elections postponed from previous sessions

112. **The President** invited the Council to turn to the matter of vacancies on subsidiary bodies whose consideration had been postponed from previous sessions.

Commission for Social Development

113. **The President** said that she took it that the Council wished to elect Ukraine by acclamation to fill the vacancy for a member from the Group of Eastern European States for a four-year term beginning at the forty-fourth session of the Commission for Social Development and ending at the close of its forty-seventh session in 2009.

114. *It was so decided.*

Permanent Forum on Indigenous Issues

115. **The President** drew the Council's attention to the curriculum vitae of Ms. Merike Kokajev, contained in document E/2004/L.1/Add.22, who had been nominated by the Government of Estonia with the endorsement of the Group of Eastern European States. She took it that the Council wished to elect Ms. Kokajev by acclamation to the Permanent Forum on Indigenous Issues for a three-year term beginning on 1 January 2005.

116. *It was so decided.*

117. **The President** informed the Council that, following the death of Ms. Njuma Ekudanayo of the Democratic Republic of the Congo, who had been recently re-elected to the Permanent Forum, elections would be held later in 2004 to fill the seat she had occupied, once nominations had been received from the Group of African States.

Programme Coordination Board of the Joint United Nations Programme on HIV/AIDS (UNAIDS)

118. **The President** said that she took it that the Council wished to elect the United States of America by acclamation to fill the vacancy for a member from the Group of Western European and Other States for a three-year term beginning on 1 January 2005.

119. *It was so decided.*

120. **The President** said that she had been advised that Spain was relinquishing its seat on the Programme Coordination Board on 1 August 2004. She took it that the Council wished to elect Andorra by acclamation to replace Spain for a term beginning on 1 August 2004 and ending on 31 December 2004.

121. *It was so decided.*

Organization of work

122. **The President** drew attention to the list of items that had been deferred to a resumed substantive session in the autumn of 2004, circulated by the Secretary of the Council.

The meeting rose at 7 p.m.